

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Eric J. Streciwilk : Examiner: Minh Chau Thi Pham
Serial No.: 10/702,141 : Group Art Unit: 1724
Filed: November 5, 2003 :
For: DISPOSABLE FILTER WITHIN A REMOVABLE CHAMBER

RESPONSE

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant has carefully reviewed the Office Action mailed December 27, 2006. In view of the following remarks, Applicant respectfully requests a Notice of Allowance for pending claims 1-16.

In the Action, the Examiner withdrew her previous rejections in view of U.S. Patent 6,146,434 to Scalfani et al. (the “434 Patent”) taken alone and in combination with U.S. Patent No. 6,010,550 to Song. The Examiner now rejects claims 1-16 as being obvious in view of the ‘434 Patent combined with U.S. Patent No. 7,135,051 to Baldinger et al. (the “051 Patent”).

Applicant respectfully submits that the present application claims priority to a provisional application filed *November 7, 2002*. Thus, the effective filing date for this application is **nearly 7 months before the filing date of the provisional application claimed in the ‘051 Patent.** Since the ‘051 Patent was filed *after* Applicant’s provisional application, *it is simply not prior art under 35 U.S.C. §102 or 103.* Accordingly, the

Examiner's rejection in view of the combination of the '434 Patent with the '051 Patent must be withdrawn.

Given the clear impropriety of this rejection, Applicant contacted the Examiner by telephone in an effort to avoid unnecessary additional prosecution. Although the Examiner acknowledged that the present rejection was improper, she refused to allow the pending claims over the phone.

After having the opportunity to further consider that two searches have been conducted and no prior art has been uncovered that anticipates or renders the pending claims obvious, Applicant is confident that the Examiner will agree that the claims are in condition for allowance. Applicant looks forward to receiving an expedited Notice of Allowance for claims 1-16.

In the event that some unforeseen issue requires attention, please telephone the Applicant's attorney to expedite issuance of the patent. Although no fees are currently believed due, the undersigned authorizes the deduction of any necessary fees from Deposit Account No. 11-0978.

Respectfully submitted,

KING & SCHICKLI, PLLC

A handwritten signature in dark ink, appearing to read "Brett G. Corbly", with a long, sweeping horizontal stroke extending to the right.

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